

Combined Declaration and Power of Attorney for Patent Application

Docket Number: 05371.0016.US01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled **DETERMINING COMMON FUNCTIONAL ALLELES IN A POPULATION AND USES THEREFORE**, the specification of which is attached hereto unless the following box is checked:

☒ was filed on August 4, 1998;
as United States Application Number or PCT International Application Number 09/129,134; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)			
Application No.	Country	(Day/Month/Year/Filed)	Priority Claimed
			Yes No
			Yes No
			Yes No
			Yes No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application No.	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Filing Date	(Status – patented, pending, abandoned)
08/905,772	August 4, 1997	Pending
08/798,691	February 12, 1997	Patented – 5,750,400
08/598,591	February 12, 1996	Patented – 5,654,155
09/084,471	May 22, 1998	Pending

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jeffrey I. Auerbach, Reg. No. 32,680
Melvin L. Barnes, Jr. Reg. No. 38,375
Thane Bauz, Reg. No. P41,604
Michael J. Bell, Reg. No. 39,604
John A. Bendrick, Reg. No. 41,612
Mark R. Buscher, Reg. No. 35,006
Celine T. Callahan, Reg. No. 34,301
Cono A. Carrano, Reg. No. 39,623
Joseph V. Colaianne, Reg. No. 39,948
James F. Davis, Reg. No. 21,072
Thomas M. Dunham, Reg. No. 39,965
Joel M. Freed, Reg. No. 25,101

Vernon Randall Gard, Reg. No. 33,886
Alan M. Grimaldi, Reg. No. 26,599
Alexander J. Hadjis, Reg. No. 36,540
Albert P. Halluin, Reg. No. 25,227
Michael N. Haynes, Reg. No. 40,014
Rouget F. Henschel, Reg. No. 39,221
Leslie L. Jacobs, Jr., Reg. No. 40,659
Richard H. Kjeldgaard, Reg. No. 30,186
Joseph P. Lavelle, Reg. No. 31,036
David R. Marsh, Reg. No. 41,408
Kevin W. McCabe, Reg. No. 41,182
Joseph A. Micallef, Reg. No. 39,772

Anthony D. Miller, Reg. No. 34,394
Karen L. Nicastro, Reg. No. 35,968
Bradley J. Olson, Reg. No. 40,750
Russell O. Paige, Reg. No. P40,758
Andrew Y. Piatnicia, Reg. No. 40,772
Andrea G. Reister, Reg. No. 36,253
Stephen J. Rosenman, Reg. No. 29,209
Timothy L. Scott, Reg. No. 37,931
Anthony W. Shaw, Reg. No. 30,104
J. David Smith, Reg. No. 39,839
Michael J. Songer, Reg. No. 39,841

Send Correspondence to:

Albert P. Halluin
HOWREY & SIMON

Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
Facsimile: (202) 383-7195

Direct Telephone Calls to: (202) 783-0800

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR:	CITIZENSHIP:
PATRICIA D. MURPHY	UNITED STATES OF AMERICA
RESIDENCE:	DATE:
SLINGERLANDS, NEW YORK, USA	10/14/98
POST OFFICE ADDRESS:	INVENTOR'S SIGNATURE:
205 PERRY PARKWAY, GAITHERSBURG, MARYLAND 20877, USA	<i>Patricia D. Murphy</i>
FULL NAME OF SECOND INVENTOR:	CITIZENSHIP:
RESIDENCE:	DATE:
POST OFFICE ADDRESS:	INVENTOR'S SIGNATURE:
FULL NAME OF THIRD INVENTOR:	CITIZENSHIP:
RESIDENCE:	DATE:
POST OFFICE ADDRESS:	INVENTOR'S SIGNATURE:

(Supply similar information and signature for subsequent joint inventors, if any)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Patricia MURPHY *et al.*)
Application No.: 09/129,134) Group Art Unit: 1655
Filed: August 4, 1998) Examiner: S. Zitomer
For: CONSENSUS SEQUENCE OF THE)
HUMAN BRCA1 GENE)

Commissioner for Patents
Washington, D.C. 20231

**SUBMISSION OF REVOCATION OF ORIGINAL
POWER OF ATTORNEY AND GRANT OF NEW POWER
BY ASSIGNEE(S)**

Sir:

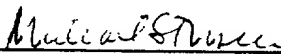
Enclosed are the following papers for the above identified application.

1. Revocation of Original Power of Attorney and Grant of New Power of Attorney with Rule 3.73(b) Certificate.
2. Request for Correction of Correspondence Address.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 28, 2001


Michael S. Tuscan
Reg. No. 43,210

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1800 M Street, N.W.
Washington, D.C. 20036
(202) 467-7000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Gene Logic Acquisition Corp.)
)
Serial No.: As Shown on the Attached List)
)
Filed: As Shown on the Attached List)
)
For: As Shown on the Attached List)

Assistant Commissioner for Patents
Washington, D.C. 20231

**REVOCATION OF ORIGINAL POWER OF ATTORNEY
AND GRANT OF NEW POWER OF ATTORNEY**

Assignee hereby revokes the previous Power of Attorney in the application serial numbers listed on the attached sheet to Howrey Simon Arnold & White and hereby grants their power of attorney to the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute these applications and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number.

Customer Number: 009629

Please direct all telephone inquiries to:

**Reid G. Adler
Phone: 202-467-7756**

Please send all future correspondence concerning these applications to MORGAN, LEWIS & BOCKIUS at the following location:

Customer No. 009629

<u>New Attorney Docket No.</u>	<u>Application No.</u>	<u>Date Filed</u>	<u>Old Attorney Docket No.</u>
044921-5045-US	08/598,591	02/12/96	05371.0013.999
044921-5045-01	08/905,772	08/04/97	05371.0016.999
044921-5046-US	09/158,183	09/21/98	05371.0028.US01
044921-5046-PR	60/059,595	09/23/97	05371.0028.888
044921-5047-US	09/038,946	03/12/98	05371.0032.999
044921-5047-01	09/697,149	10/27/00	N/A
044921-5048-US	09/062,371	04/17/98	05371.0044.US00
044921-5048-01	09/704,833	11/03/00	N/A
044921-5049-US	09/074,452	05/06/98	05371.0035.US00
044921-5050-US	08/825,487	03/28/97	05371.0012.999
044921-5051-US	08/533,472	09/25/95	05371.0037.999
044921-5052-US	09/074,476	05/06/98	05371.0034.999
044921-5053-US	09/074,453	05/06/98	05371.0034.US01
044921-5054-US	09/129,134	08/04/98	05371.0016.US01
044921-5054-01	09/524,794	03/14/00	05371.0016.US02
044921-5055-US	08/798,691	02/12/97	05371.0014.999
044921-5055-01	08/966,436	11/07/97	05371.0030.999
044921-5056-PR	60/023,187	08/05/96	05371.0017.888
044921-5057-PR	60/023,223	08/05/96	05371.0018.888
044921-5058-US	09/071,715	05/01/98	05371.0031.US01
044921-5058-01	09/084,471	05/22/98	05371.0031.US02
044921-5058-P1	60/055,784	08/15/97	05371.0029.888
044921-5058-P2	60/064,926	11/07/97	05371.0027.888
044921-5058-PR	60/065,367	11/12/97	05371.0031.888
044921-5060-PR	60/023,184	08/05/96	05371.0019.888
044921-5061-PR	60/022,421	08/06/96	05371.0020.888
044921-5062-US	08/905,323	08/04/97	05371.0021.999

044921-5063-US	09/159,805	09/23/98	05371.0026.US01
044921-5063-PR	60/059,729	09/23/97	05371.0026.888
044921-5064-US	09/023,052	02/12/98	05371.0039.US00

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

The **Gene Logic Acquisition Corp.**, a corporation located in Gaithersburg, Maryland, certifies that it is the assignee of the entire right, title and interest in the patent applications identified above by virtue of the Merger of OncorMed into **Gene Logic Acquisition Corp.** The Certificate of Merger is being submitted to the Recordation Branch concurrently.


To the best of the undersigned's knowledge and belief, title is in the assignee identified above. The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: February 21, 2001

Name: Mark D. Gessler

Title: President & CEO

Signature: 

ASSIGNMENT

WHEREAS, I, **Patricia D. Murphy**, being a citizen of the United States of America, residing at **Slingerlands, New York**, have made new and useful improvements **Determining Common Functional Alleles in a Population and Uses Therefore**, for which an application for Letters Patent of the United States was filed on **August 4, 1998** as Application No. **09/129,134**.

WHEREAS, **OncorMed, Inc.**, having a place of business at **205 Perry Parkway, Gaithersburg, Maryland 20877, USA**, and who, together with its successors and assigns ("Assignee") is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited.

NOW, THEREFORE, for valuable consideration furnished by Assignee to me, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservations:

1. Assign, transfer, and convey to Assignee the entire right, title, and interest in and to said application for Letters Patent of the United States, including all claims, if any, that may have arisen for infringement prior to the date of this assignment, the inventions and discoveries described therein, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent.

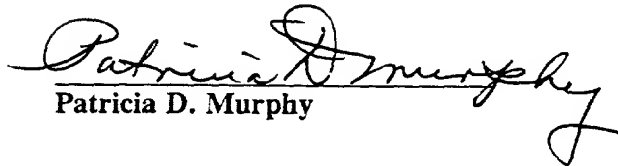
2. Authorize Assignee to file patent applications in any or all countries for any or all of said inventions and discoveries in my name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise.

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct.

4. Warrant that I have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; and that I have good right to assign the same to Assignee without encumbrance.

5. Bind my heirs, legal representatives, and assigns, as well as myself, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to me or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications, and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by me, my heirs, legal representatives, and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to me relating to said inventions and discoveries or the history thereof; to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in my control or in the control of my heirs, legal representatives, or assigns which may be useful for establishing the facts of my conception, disclosures, and reduction to practice of said inventions and discoveries; and to testify as to the same in any interference or other litigation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 14 day of
October, 1998

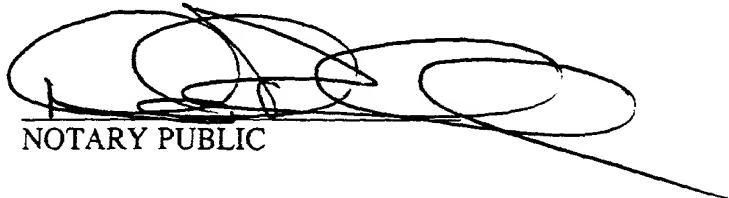

Patricia D. Murphy

STATE OF New York
COUNTY OF Albany

SS:

On this 14 day of October, 1998, before me personally appeared
Patricia D. Murphy, to me known and known to me to be the individual described in and who
executed the foregoing instrument, and who duly acknowledged to me to have executed the
foregoing instrument, and who duly acknowledged to me to have executed the same for the
purpose therein set forth.

(SEAL)


NOTARY PUBLIC

My Commission Expires:

DAVID R. MILLER
Notary Public, State of New York
Qualified in Albany County
No. 01M14695530
Commission Expires April 30, 1999